

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Tuesday, February 18, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Mike Bachand, Branden Bestgen, David Hersrud (by phone), Marcia Johnston, Tim Potts, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Jason Anderson and Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

A moment of silence was given for the passing of Assistant Fire Chief Brent Lyons.

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve the agenda.

### Announcements:

Weather permitting, Public Works will be picking up branches next week. The schedule will be the same as the garbage pickup schedule. Don't put branches in the alley or in street right of way.

There will be a retirement party for Larry Fernen tomorrow at Scott Peterson Motors.

### City Manager Ainslie reported:

The budget numbers for the end of January 2014 are as follows: General Fund is at 10.13% Liquor-2.2%; Water-5.2%; Wastewater-4.0%; Sanitation-6.5% and Ambulance-12%. January had insurance expenses and three payroll periods.

Motion by Potts, second by Waterland and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consider approval of the minutes from the February 3, 2014 regular council meeting.
- b. Consideration to approve setting a public hearing on March 17, 2014 for Key City Enterprises – The Knuckle Brewing Co for a package off-sale malt beverage license.
- c. Consideration to approve setting a public hearing on March 03, 2014 for a Use on Review for Chris Kubes at 1905 Park Ave to replace a car port roof.

Motion by Johnston, second by Bachand and carried with all members present voting yes to approve the following claims with the exception of: **General** - Johnston Hardware, \$897.03, supp; **Water** - Johnston Hardware, \$112.65, supp; **Sanitary** - Johnston Hardware, \$16.98, supp; **Ambulance** - Johnston Hardware, \$116.94, supp;

**Wages** – Ambulance \$27,877.12; Attorney \$2935.10; Auditorium \$259.45; Buildings \$1419.79; Cemetery \$2059.47; City Manager \$4296.97; Community Center \$9232.49; Finance Office \$9000.24; Fire Department \$1789.93; Human Resource \$2158.94; Library \$8379.25; Liquor \$4659.48; Mayor and Council \$3391.63; Parks \$13,167.16; Planning & Permitting \$3602.41; Police \$35,417.47; Rally \$3396.98; Recreation \$2754.32; Sanitary Service \$12,128.64; Streets \$8578.22; Wastewater \$7827.36; Water \$14,937.49; Federal Withholding \$18,818.98; FICA \$13,711.34.

**Combined Cash Fund** – First Interstate Bank, \$4,000.00, ATM; Pioneer Bank, \$500,000.00, certif. of deposit.

**General** – A&B Business, \$248.04, repair; A&J Surplus, \$86.80, supp; Amcon Distributing, \$182.60, merch for resale; Associated Supply Co, \$1159.98, repair; Andrew Barff, \$30.00, other; Greg Barnier, \$201.04, travel; BH Chemical, \$308.83, supp; BH Power, \$23,282.23, util; Butte Electric, \$527.70, util; Caselle, \$527.99, prof fee; CBH Cooperative, \$15,565.48, supp; Central Parts Warehouse, \$91.62, repair; Chamber of Commerce, \$1375.00, publ-rally; City of Sturgis

Water Dept, \$1387.00, util; Coca Cola, \$896.70, merch for resale; Dakota Backup, \$1656.56, prof fee; Ecolab Pest, \$336.42, maint; Ed Roehr Safety Products, \$261.53, supp; Emergency Services Marketing, \$725.00, other; Abdollah Farrokhi, \$147.39, refund; Fedex, \$11.47, supp; Fire Pro, \$63.90, repair; First Interstate Bank, \$4939.56, supp; Glover Investments, \$600.00, rental-rally; Godfrey Brake Service, \$80.12, repair; Ken Grosch, \$30.00, other; Haggerty's Audio Visual, \$725.00, supp; Hillyard, \$463.95, supp; Ketel Thorstenson, \$536.40, prof fee; Key City Glass, \$30.00, repair; Kone, \$137.16, repair; Lynn's Dakotamart, \$262.78, supp; Marco Inc NW 7128, \$34.50, maint; Meade Co Auditor, \$7783.79, other; Meade Co Times, \$1505.16, publ; MDU, \$7711.30, util; Motionsoft, \$450.00, prof fee; Nat'l Assn of School Resource Officers, \$40.00, other; O'Reilly Auto Parts, \$131.97, repair; Owens Interstate Sales, \$351.45, repair; Petty Cash, \$50.66, supp; Polar Engraving, \$298.50, merch for resale; Power House, \$519.00, supp; Print Mark-et, \$996.82, publ; Pryntcomm, \$1845.68, publ-rally; Public Safety Equip, \$74.00, supp; Rapid City Journal, \$49.80, publ; Rapid Delivery, \$10.80, repair; Rasmussen Mechanical Services, \$5747.69, repair; Robert Sharp & Assoc, \$8042.50, publ-rally; Rushmore Office, \$3811.19, supp; Schwans, \$37.25, merch for resale; SD Arborist Assoc, \$140.00, travel; SD Electrical Commission, \$60.00, prof fee; SD Public Assurance Alliance, \$398.48, insur; Servall, \$398.23, maint; Shopko, \$335.69, supp; SD Plumbing Commission, \$105.00, prof fee; Sturgis Motorsports, \$20.99, supp; Sturgis Napa, \$304.69, repair; Tom's T's, \$1387.00, supp; Ultra Light Original, \$4889.85, equip; West Payment Center, \$121.18, prof fee; West River Electric Assn, \$589.97, util; Western Dakota Tech Inst, \$95.00, travel; Wow! Business, \$317.33, util; Zylstra Body & Frame, \$957.32, repair.

**Capital Improvement** – Diamond Vogel Paint, \$6997.89, cap imp; First Interstate Bank, \$2097.86, equip;

**Equipment Replacement Fund** – Time Equipment Rental, \$5550.00, equip.

**Revolving Fund Loan** – Brosz Engineering, \$1100.00, other.

**Liquor** – Arctic Glacier USA, \$107.35, merch for resale; BH Chemical, \$52.98, repair; BH Power, \$1691.25, util; Cask & Cork, \$98.00, off sale liquor; City of Sturgis Water Dept, \$263.86, util; Coca Cola, \$374.80, pop for resale; Eagle Sales, \$20,242.23, off sale beer; Ecolab Pest, \$103.07, maint; First Interstate Bank, \$84.79, repair; Fisher Beverage, \$13,256.98, off sale beer; Johnson Western Wholesale, \$23,212.15, off sale liquor; MDU, \$292.04, util; North Country Business Products, \$62.36, supp; Prairie Berry, \$1470.50, off sale liquor; Print Mark-et, \$66.46, publ; Republic Beverage Co, \$25,303.40, off sale liquor; Servall, \$154.45, supp; The Homeslice Group, \$5218.00, publ.

**Water** – A&B Business, \$282.87, supp; American Solutions for Business, \$1179.92, supp; BH Power, \$767.10, util; Butte Electric, \$183.60, util; Caselle, \$382.34, prof fee; CBH Cooperative, \$1120.45, supp; City of Sturgis Water Dept, \$120.30, util; Credit Collections Bureau, \$31.22, prof fee; Dakota Backup, \$225.89, prof fee; Ecolab Pest, \$58.30, prof fee; First Interstate Bank, \$340.58, travel; Grocery Mart, \$14.08, supp; Hawkins, \$1527.00, supp; HD Supply Waterworks, \$686.55, supp; Michael Hemness, \$15.00, water refund; Jenner Equip, \$210.77, repair; LPN Holdings, \$632.46, supp; Meade Co Times, \$25.63, publ; Menards, \$182.79, supp; Midcontinent Testing Lab, \$274.00, prof fee; MDU, \$2305.59, util; Nelson Construction, \$400.00, water tap permit; Northwest Pipe Fittings, \$42.75, supp; Print Mark-et, \$66.46, publ; Rushmore Office, \$351.64, supp; SD Federal Property Agency, \$31.00, supp; Servall, \$11.86, supp; Shopko, \$99.69, supp; SD One Call, \$21.09, prof fee; Sturgis Economic Development, \$3333.33, other; Sturgis Napa, \$355.39, supp; Time Equipment Rental, \$921.56, repair; Wow! Business, \$34.95, util.

**Wastewater** – BH Urgent Care, \$55.00, prof fee; City of Belle Fourche, \$51.15, other; City of Sturgis Water Dept, \$18.63, util; Energy Lab, \$137.00, prof fee; First Interstate Bank, \$3.00, other; Owens Interstate Sales, \$118.89, supp; Print Mark-et, \$66.46, publ; Rushmore Office, \$48.38, supp.

**Sanitary** – A&J Surplus, \$20.34, repair; BH Power, \$11.50, util; CBH Cooperative, \$688.55, supp; City of Belle Fourche, \$32,245.49, other; Dale's Tire, \$100.00, supp; Fastenal Co, \$61.11,

repair; O'Reilly Auto Parts, \$78.00, repair; Owens Interstate Sales, \$419.39, supp; Print Mark-et, \$66.46, publ; Rapid Delivery, \$10.80, repair; Rushmore Office, \$183.00, supp; Sturgis Napa, \$273.00, repair.

**Ambulance** – Best Buy, \$809.98, supp; CBH Cooperative, \$2640.29, supp; City of Sturgis Water Dept, \$53.99, util; Coca Cola, \$59.20, supp; First Interstate Bank, \$245.96, supp; Dan Grubl, \$23.27, supp; Jones & Bartlett Learning, \$1180.15, supp; MDU, \$432.33, util; Print Mark-et, \$66.46, publ; Regional Home Medical Equip, \$345.50, supp; Rushmore Office, \$18.87, supp; Shopko, \$14.99, supp; Sturgis Napa, \$395.52, supp; Trittech Software System, \$5400.00, prof fee.

Motion by Waterland, second by Potts and carried with Carstensen, Bachand, Bestgen, Hersrud, Potts, and Waterland voting yes, Johnston abstaining, to approve the following claims: **General** - Johnston Hardware, \$897.03, supp; **Water** - Johnston Hardware, \$112.65, supp; **Sanitary** - Johnston Hardware, \$16.98, supp; **Ambulance** - Johnston Hardware, \$116.94, supp.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve the following claim: SD Dept of Transportation, \$52,715.66, improvements for Sly Hill.

Motion by Waterland, second by Johnston and carried with Carstensen, Bestgen, Hersrud, Johnston, Potts and Waterland voting yes, Bachand abstaining, to approve the following payroll changes: Community Center – Front Desk – Rachel Moken - \$7.25; Rally Dept – Volunteer – Tammy Bohn.

Councilor Bachand has also volunteered to help the Rally Department if needed.

Barb Cline, Executive Director of Prairie Hills Transit, was present to discuss with the Council the possibility of the City providing a cash match for a purchase of a new bus that will be used solely in Sturgis. The bus that is being used now has 180,000 miles. There is Federal money available but it requires a 20% match. The estimate for the match is \$15,000. There was also discussion on the yearly funding that the City provides. Meade County is no longer funding Prairie Hills Transit. Councilor Potts would like to have staff attend the next County meeting and request that they help with funding.

Lost phone connection with Hersrud.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve second reading of Ordinance 2014-04 – Title 37 – City Transit.

## **ORDINANCE 2014-04** **AN ORDINANCE AMENDING TITLE 37– CITY TRANSIT**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 37 City Transit–Section 37.01- Chapter 37.01.01 – Purpose; Chapter 37.01.02 – Definitions – Section 37.02- Chapter 37.02.03: Annual Inspection and Verification Required; 37.02.04: Business License Required; 37.02.08: Fee; 37.02.09: Business Identification; 37.02.12: Payment of Fare; 37.02.17: Air Transit Prohibited are amended to read as follows:

### **TITLE 37** **CITY TRANSIT**

#### **SECTION: 37.01**

- 37.01.01: Purpose
- 37.01.02: Definitions
- 37.01.03: Penalty

## **SECTION: 37.02**

- 37.02.01: License-Application-False Statements
- 37.02.02: Expiration of License
- 37.02.03: Annual Inspection and Verification Required
- 37.02.04: Business License Required
- 37.02.05: Application
- 37.02.06: Application-Investigation-Issuance
- 37.02.07: Issuance-Required Findings
- 37.02.08: Fee
- 37.02.09: Business Identification
- 37.02.10: Minimum Limits of Insurance Coverage
- 37.02.11: Rate Schedule
- 37.02.12: Payment of Fare
- 37.02.13: Driver's License required
- 37.02.14: To be Carried on Person and exhibited upon request
- 37.02.15: Smoking prohibited
- 37.02.16: Transporting intoxicating Liquor prohibited
- 37.02.17: Air Transit Prohibited
- 37.02.18: Suspension-Revocation

### **37.01.01 PURPOSE**

The purpose of this ordinance is to allow the City to provide a limited framework of regulations to ensure that transit operators accepting fares for services originating and/or terminating within the City or when a paying passenger enters or exits a vehicle are providing an acceptable level of safe and affordable service that will meet transit needs of the community.

### **37.01.02 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

C. **OPERATING:** A person is operating a transit business within the meaning of this Ordinance if any fare for transportation service, whether on a public right of way or in airspace over the City, of any kind or nature which originates and/or terminates within the City of Sturgis or when a paying passenger enters or exits a vehicle within the City of Sturgis.

## **SECTION 37.02**

### **37.02.03 ANNUAL INSPECTION AND VERIFICATION REQUIRED**

When submitting an application or renewal for a Transit Operation License, or applying to add another vehicle to operate during the license period, the applicant/operator shall document that each vehicle has been inspected and that at the time the application is submitted the operator shall provide a separate verification that each vehicle sought to be licensed meets all state laws for all safety standards for equipment specifications, lighting and brakes.

#### **37.02.04 BUSINESS LICENSE REQUIRED**

No person shall engage in the business of operating a transit business without a Business License as provided by Chapter 18.10 of the Sturgis City Ordinances in addition to the Transit Business License requirements set forth in this ordinance.

#### **37.02.08 FEE**

For each business applying to have one or more vehicles authorized to operate within the City of Sturgis under this ordinance, the fee shall be \$800. This said fee shall be \$1,000 for any business applying for a license after June 1.

#### **37.02.09 BUSINESS IDENTIFICATION**

Each vehicle operated by a business with an approved application as outlined in 37.02.05 shall maintain a copy of the approved license within the vehicle at all times. In addition, each vehicle shall be clearly identified with signage of not less than two square feet that includes the name of the approved business.

#### **37.02.12 PAYMENT OF FARE**

Each passenger must pay the fare to the operator based upon the registered rate displayed on the transit vehicle.

#### **37.02.17 AIR TRANSIT PROHIBITED**

No person or business shall be permitted to operate an air transit or air sightseeing business within the airspace over or within the municipal limits of the City of Sturgis, except as specifically approved by a regulation, rule or decision of the Federal Aviation Administration.

Dated this 18th day of February, 2014.

First reading: 02-03-2014

Second reading: 02-18-2014

Adopted: 02-18-2014

Published: 02-26-2014

Effective: 03-19-2014

Bachand introduced the following written resolution and moved its adoption:

#### **RESOLUTION 2014-15 RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Jon and Barbara Mattson:

A plat of Lot 1 of Mattson Ranch Addition of the S1/2NW1/4 of Section 3, T.5N, R.5E, B.H.M., Meade County, South Dakota

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 18th day of February 2014.

Published: 02-26-2014

Effective: 03-19-2014

Bestgen seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Waterland, second by Bachand and carried with Bachand, Bestgen, Carstensen, Johnston, Waterland yes and Potts abstaining to approve the amended Municipal Utility Board Operating Agreement and authorize the City Manager to sign the document.

Motion by Potts, second by Johnston and carried with all members present voting yes to authorize the Finance Officer to move the 2013 budget and payment for Marcotte Property from 212 Capital Improvements to 211 Special Sales Tax.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve first reading of Ordinance 2014-05 – Title 3 – Licensing & Regulations of Alcohol, Malt Beverages and Drinking Establishments.

Any other business:  
None

Motion by Bestgen, second by Waterland and carried with all members present voting yes to go into executive session for personnel, contracts and legal at 7:32 pm.

Motion by Bachand, second by Bestgen and carried with all members present voting yes to return to regular session at 9:12 pm.

Motion by Waterland, seconded by Bestgen and carried with all members present voting yes to adjourn the meeting at 9:12 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$